REMARKS

Claims 2 – 8, 10 – 16 and 18 – 20 remain in the application and stand finally rejected. Claims 1, 9 and 17 are previously canceled. A proposed amendment to claims 2, 4 – 6, 8, 10, 11, 13, 15, 16 and 18 – 20 is offered herein.

Claims 8, 13 and 16 are objected to for containing informalities. In part, responsive thereto, objected to claims 8, 13 and 16 are amended in the proposed amendment. Entry of the amendment, reconsideration and withdrawal of the objection to the claims is respectfully solicited.

Amendments to the specification are formal in nature. Amendments to the claims are to better described the invention and are not believed to narrow the scope of the claims. No new matter is added by this proposed amendment.

The proposed amendment to claims 2, 4 – 6, 8, 10, 11, 13, 15, 16 and 18 – 20 is supported in the specification in general and, specifically, on page 6, lines 14 – 17, 21 and 22, page 9, lines 10 – 14 and page 11, lines 10 – 13. No new matter has been added.

Claims 2 – 8, 10 – 13, 15, 16 and 18 – 20 stand finally rejected as being unpatentable under 35 U.S.C. §102(e) over U.S. Patent No. 6,205,563 B1 to Lewis. Claim 14 is rejected under 35 U.S.C. §103(a) over Lewis in view of U.S. Patent No. 6,282,192 B1 to Murphy et al. Thus, essentially, it is asserted that Lewis teaches the invention. Murphy is cited to teach monitoring Voice over IP (VoIP) on a packet switched network. Although this is in response to a final rejection of all claims, the final rejection is the first rejection over either of Lewis or Murphy. Thus, the applicants have had no previous opportunity to address the differences between the present invention and newly cited Lewis and/or Murphy.

Lewis teaches a multi-domain communications network (10 in Figure 1) with each domain managed and monitored by a network management system 11. *See, e.g.*, col. 4, lines 61 – 64. In particular, the "network management system allows for collective management of autonomous local area networks (LANs), with equipment from different vendors. It complies with the current Simple Network Management Protocol (SNMP) standards, and can also accommodate other standard and proprietary protocols." Col. 5, line 65 – col. 6, line 3. As shown in Lewis figure 3, for example, each domain is managed by a network management system 11. Each network management system 11 includes a virtual network machine (16 in Figure 1) that "preprocesses the raw information coming from the network entities through the network interface and control module 14 in order to construct a model of the network's current status and performance characteristics." Col. 6, lines 4 – 7. Prominent in the network management system 11 is a user interface 18 that "provides a highly graphical multi-perspective view into the network model. ... The main function of the user interface 18 is to visually present to **the user** the model within the virtual network machine 16. It **allows the user** to navigate freely within the network model, only limited by the access rights assigned by the network administrator." Col. 6, lines 15 – 26, emphasis added. Thus, the particular Lewis system/network/domain is managed with some requisite level of interactivity, i.e., user direction. Consequently, the "user interface provides an alarm management facility, an event log window, a reporting facility, a find facility, and other features." Id, lines 30 – 32. Specifically, the error reporting system "basic data structure, a trouble-ticket, has a number of fields in which a **user can enter** data describing the parameters of an observed network fault. A trouble-ticket **filled out by a user** may then be transmitted by, for example, an electronic mail system to maintenance and repair personnel." *Id*, lines 56 – 60, emphasis added. Clearly this is not "automatically reporting a detected network fault in a distributed communication network" as recited in claim 2, lines 1 – 2, and claims 18 and 19, lines 1 – 2, and analogously in claim 10, lines 1-2.

Neither does Lewis teach "detecting fault conditions indicated from data flow between a local communication network and a data network" as recited in claim 2, lines 3 – 4 with analogous recitations in other independent claims. While it is asserted that a

severe condition (Lewis, col. 11, lines 56 – 58 and 62 – 65) constitutes a fault that presents "a clear and present risk of causing substantial downtime;" that does not follow from the definition Lewis provides. Lewis provides that "an intra-domain alarm may represent a non-critical condition, for example a one-time event, or it may represent a severe condition that may soon impact other domains B, C of the network 10." *Id*, lines 51 – 54. The applicants note that there are any number of circumstances that would merit an intra-domain alarm as defined in Lewis (e.g., removal of a domain node with prior history of inter-domain communications) that would fall short of causing downtime. Neither must such a severe Lewis intra-domain alarm arise from "a hardware failure or a software failure" as recited in amended claims 5, 16 and 19, or that the "alarm report includes fault type, location of malfunction and a time stamp" as amended claims 6 and 15 recite. Finally, Lewis fails to teach "storing network operating data, said network operating data providing operating characteristics indicating an acceptable operating domain" as amended claim 19 recites. Accordingly, Lewis does not teach the present invention as recited in claims 2, 5, 6, 10, 15, 16, and 19.

Since dependent claims include all of the differences with the prior art as the claims from which they depend, Lewis fails also to teach the present invention as recited in claims 3, 4, 6, 8, 11 and 20, which depend from claims 2, 10 and 19. Therefore, entry of the amendment and reconsideration and withdrawal of the rejection of claims 2 – 8, 10 – 16 and 18 – 20 under 35 U.S.C. §102(e) is respectfully solicited.

Murphy teaches a method of switching VoIP calls back over the PSTN when quality of service degrades sufficiently on the IP network. Neither does the addition of the call fallback scheme of Murphy add anything to Lewis to cure any or all of the above shortcomings of Lewis to result in the present invention as claimed in any of claims 2 – 8, 10 – 13, 15, 16 and 18 – 20, much less claim 14. Reconsideration and withdrawal of the rejection of claim 14 under 35 U.S.C. §103(a) is respectfully solicited.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the

proposed amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner enter the amendment, reconsider and withdraw the final rejection of claims 2 – 8, 10 – 16 and 18 – 20 under 35 U.S.C. §§102(e) and 103(a) and allow the application to issue.

Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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(Date)

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